

U.S. Patent Application Serial No. **10/760,491**
Response filed **August 22, 2008**
Reply to OA dated **April 22, 2008**

REMARKS:

Claims 1-64 are currently pending. Claims 1-5, 21, 30, 41-45, and 48-53 are currently being considered. Claims 6-20, 22-29, 31-40, 46, 47, and 54-64 have been withdrawn from consideration. Claims 1, 21, 30, 41-43, and 51-53 have been amended herein.

I. The Examiner has objected to the specification.

The Examiner has suggested that the specification does not contain the limitation “one-bit” set forth in claim 1.

Applicant respectfully traverses this objection for the following reasons.

The subject application discloses the following information, *inter alia*: “the flag information, as shown in Fig. 8, is represented by the node flag ‘0’ or ‘1’ ” (page 27, lines 9-10). Please note that, if the flag information were “two-bit”, for example, the flag would have to be represented as “00”, “01”, “10”, or “11”, which is contradictory to the above passage of the specification.

Therefore, “one-bit” is supported by the specification (page 27, lines 9-10), and is not new matter.

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Accordingly, in view of the above, Applicant respectfully submits that this objection should be withdrawn.

II. The Examiner has rejected claims 1-5 and 30 under the first paragraph of 35 U.S.C. §112 as failing to comply with the written description requirement.

Applicant respectfully traverses this objection for the following reasons.

The subject application discloses the following information, *inter alia*: “the flag information, as shown in Fig. 8, is represented by the node flag ‘0’ or ‘1’ ” (page 27, lines 9-10). Please note that, if the flag information were “two-bit”, for example, the flag would have to be represented as “00”, “01”, “10”, or “11”, which is contradictory to the above passage of the specification.

Therefore, “one-bit” is supported by the specification (page 27, lines 9-10), and is not new matter.

Accordingly, in view of the above, Applicant respectfully submits that this rejection of claims 1 and 30 should be withdrawn. It is submitted that this rejection of claims 2-5 should be withdrawn by virtue of their dependency.

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III. The Examiner has rejected claims 51-53 under 35 U.S.C. §101 as directed to non-statutory subject matter.

Claims 51-53, as amended herein, set forth the following text, *inter alia*: “computer readable medium.”

Accordingly, in view of the above, Applicant respectfully submits that this rejection of claims 51-53 should be withdrawn.

IV. The Examiner has rejected claim 30 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,351,707 (Ichikawa '707).

Applicant respectfully traverses this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

The test for anticipation under 35 U.S.C. §102 was shown by the Federal Circuit in *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed Cir.

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1987), wherein it was indicated that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Additionally, in *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990), it was further indicated that "[t]he identical invention must be shown in as complete detail as contained in the claim."

The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Ichikawa '707 fails to expressly or inherently describe the following features set forth in claim 30, as amended: "the point information further having a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement," in combination with the other claimed features.

Ichikawa '707 fails to expressly or inherently describe the combination of features set forth in claim 30, as amended, including at least the following features:

a current position acquiring section that acquires a current position of the movable body information for the current position; a destination information acquiring section that acquires a destination to which the movable body travels; and a search section that searches for a travel route on which the movable body travels based on the

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current position and the destination using the matching data; ... a terminal unit that acquires the road arrangement and the travel route recognized by the map information processing device over a network.

In view of the above, the Examiner has not yet established a *prima facie* case of anticipation. But it is the burden of the Examiner to do so. The U.S. Patent and Trademark Office has the burden of proof to show that an applicant is not entitled to a patent if the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent unless the U.S. Patent and Trademark Office establishes otherwise. See, e.g., *In re Dembiczak*, 175 F.3d 994, 1001 (Fed. Cir. 1999); *In re Epstein*, 32 F.3d 1559, 1564 (Fed. Cir. 1994); *In re Rijckeart*, 9 F.3d 1551, 1552 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

In view of the foregoing amendments and remarks, it is respectfully believed that essential elements of a *prima facie* case of anticipation are missing.

The above-referenced art, cited and relied upon by the Examiner, does not expressly or inherently describe the combination of features as set forth in claim 30, as amended. Applicant respectfully submits that the Examiner has not established a *prima facie* case regarding claim 30, as amended.

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Accordingly, Applicant respectfully submits that this rejection of claim 30 should be withdrawn.

V. The Examiner has rejected claims 1-5, 21, 41-45, and 48-53 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,430,499 (Nakano '499) in view of U.S. Patent No. 6,351,707 (Ichikawa '707).

Applicant respectfully traverses this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

In accordance with the principles set forth in the subject application, the amount of the data required for map display can be considerably reduced because the point information and the segment information of matching data are used for displaying the travel route on the display. This is especially effective for a communication navigation system.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 1**, as amended: "a display controller that displays the travel

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route based on the point information and the segment information of the matching data on the display and overlays the current position corrected by the correction section onto the displayed travel route on the display," in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, do not describe, teach, or suggest a travel route being displayed on a map based on the point information and the segment information. **Nakano '499** suggests that the nodes and links are not sufficient for displaying a map (column 1, lines 40-45), where other factors such as shapes of the link are contained in the road network data. Such an arrangement is totally different from the features of the subject application where map display is conducted based on the point information and segment information contained in the matching data (see polyline processing mentioned in page 34 of the specification). **Ichikawa '707** fails to remedy the above-described deficiencies of **Nakano '499**.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 1**, as amended, including at least the following features:

the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement; a search section that searches for a travel route on which the movable body travels based on the current position and the destination using the matching data.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 21**, as amended: "a destination information acquiring section that acquires a destination to which the movable body travels," in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 21**, as amended, including at least the following features:

the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement; a search section that searches for a travel route on which the movable body travels based on the current position and the destination using the matching data.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 21**, as amended: "a display controller that displays the travel route based on the point information and the segment information of the matching data on the display and overlays the current position corrected by the correction section onto the displayed travel route on the display," in combination with the other claimed features.

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Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 41**, as amended: "acquiring a current position for the current position of the movable body and a destination to which the movable body travels," in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 41**, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement," in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 41**, as amended, including at least the following features:

searching a travel route on which the movable body travels based on the current position and the destination using the matching data; and displaying the travel route based on the point information and the segment information on the display to display the map on the display, and overlaying the current position corrected by the correction section onto the displayed travel route on the display.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 42**, as amended: "generating a current position for a current

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position of a movable body and a destination to which the movable body travels at the terminal unit,"
in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 42**, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement," in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 42**, as amended, including at least the following features:

searching a travel route on which the movable body travels based on the current position and the destination using the matching data; and displaying the represented travel route based on the point information and the segment information of the acquired matching data on the display of the terminal unit, and overlaying the acquired and corrected current position onto the displayed travel route on the display.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 43**, as amended: "generating a current position for a current position of a movable body and a destination to which the movable body travels at the terminal unit," in combination with the other claimed features.

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Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the following features set forth in **claim 43**, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement," in combination with the other claimed features.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 43**, as amended, including at least the following features:

searching a travel route on which the movable body travels based on the current position and the destination using the matching data; and displaying the travel route based on the point information and the segment information of the matching data on the display and overlaying the corrected current position onto the displayed travel route on the display.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 48**, including at least the following features:

correcting the current position information so that the current position based on the acquired current position information is on a road represented by a point information and a segment information of a matching data including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point information.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 49**, including at least the following features:

correcting the current position information at the server unit so that the current position is on a road represented by a point information and a segment information of a matching data of the map information including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point information.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 50**, including at least the following features:

acquiring a matching data of the map information including a plurality of point information that has a coordinates information and a unique point information and represents predetermined points, and a segment information that has a unique segment information and connects the pair of point information, and representing a road with the point information and the segment information, at the terminal unit from the server unit over the network; correcting the current position information so that the current position is on the road represented by the point information and the segment information of the acquired matching data at the terminal unit.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 51**, as amended, including at least the following features:

correcting the current position information so that the current position based on the acquired current position information is on a road represented by a point information and a segment information of a matching data including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment

information and connects the pair of point information.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 52**, as amended, including at least the following features:

correcting the current position information at the server unit so that the current position is on a road represented by a point information and a segment information of a matching data of the map information including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point information.

Nakano '499 and **Ichikawa '707**, alone or in combination, fail to describe, teach, or suggest the combination of features set forth in **claim 53**, as amended, including at least the following features:

acquiring a matching data of the map information including a plurality of point information that has a coordinates information and a unique point information and represents predetermined points, and a segment information that has a unique segment information and connects the pair of point information, and representing a road with the point information and the segment information, at the terminal unit from the server unit over the network; correcting the current position information so that the current position is on the road represented by the point information and the segment information of the acquired matching data at the terminal unit.

Applicant submits that it would not have been obvious to combine/modify **Nakano '499** and **Ichikawa '707** in order to arrive at the features set forth in claims 1, 21, 41-43, and 48-53.

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In view of the above, the Examiner has not yet established a *prima facie* case of obviousness. But it is the burden of the Examiner to do so. The U.S. Patent and Trademark Office has the burden of proof to show that an applicant is not entitled to a patent if the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent unless the U.S. Patent and Trademark Office establishes otherwise. See, e.g., *In re Dembiczak*, 175 F.3d 994, 1001 (Fed. Cir. 1999); *In re Epstein*, 32 F.3d 1559, 1564 (Fed. Cir. 1994); *In re Rijckeart*, 9 F.3d 1551, 1552 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

If the Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In view of the foregoing amendments and remarks, it is respectfully believed that essential elements of a *prima facie* case of obviousness are missing.

The above-referenced art, cited and relied upon by the Examiner, does not describe, teach, or suggest the combinations of features as set forth in claims 1, 21, 41-43, and 48-53.

Accordingly, Applicant respectfully submits that this rejection of claims 1, 21, 41-43, and 48-53 should be withdrawn. It is submitted that this rejection of claims 2-5, 44, and 45 should be

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withdrawn by virtue of their dependency.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time